

#### REMARKS

This application has been carefully reviewed in light of the Office Action dated October 28, 2003. Claims 12-23 remain pending in this application. Claims 12, 16, and 20 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 12-23 under 35 U.S.C. § 103(a) as being unpatentable over Toda (U.S. Patent No. 5,603,106; hereinafter "Toda") in view of Kawano et al. (U.S. Patent No. 5,774,797; hereinafter "Kawano"). Applicants respectfully submit the pending Claims are allowable for at least the following reasons:

Neither Toda, Kawano, or the combination of Toda and Kawano recite or suggest a power of said communication device is varied in dependence of said frequency value by controlling a DC/DC converter, the control input value of which is exclusively controlled in dependence of said frequency value, to vary an electrical supply of the amplifier. Rather, as stated in the Office Action, Toda fails to recite or suggest a DC/DC converter. Kawano's DC/DC converter contained within variable negative-voltage generator 120 receives two gate voltage setting commands (see, e.g., Kawano, Col. 6, lines 59-62). Kawano's converter is controlled by a supply-associated command and a temperature associated command. Thus the combination of Toda and Kawano fails

to recite or suggest every element of Applicants' Claim 12. Thus the rejection of Applicants' Claim 12 is respectfully traversed.

In addition, the Office Action justifies the motivation to combine Toda and Kawano by stating "it would have been obvious... to control the voltage supply to the amplifier in order to prevent damage due to overheat the amplifier." M.P.E.P. § 706.02(j) states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully believe that Kawano fails to provide suggestion to modify Toda's device structure to include a DC/DC converter to vary an electrical supply of the amplifier. Kawano requires monitoring of a temperature-associated gate voltage setting command in addition to a supply-associated command. Kawano prevents overheating of the amplifier by directly measuring temperature of the device as well as the frequency. One of ordinary skill in the art would not have the requisite motivation to combine the references because Kawano's variable negative-

voltage generator 120 requires that multiple signals be multiplexed in a serial data interface 121 prior to controlling a DC/DC converter. Applicants respectfully submit that the § 103 rejection of Claim 12 additionally fails because no expectation of success exists, as the Kawano requires a temperature control component. Claim 12 is believed patentable for at least these reasons.

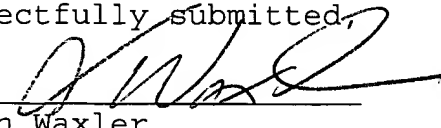
Claims 16 and 20 recite a communication device and a method substantially corresponding to the communication system of Claim 12 and are believed patentable for at least the same reasons.

Claims 13-15, 17-19, and 21-23 depend from one or another of the independent Claims recited above and are believed patentable for at least the same reasons. In addition, Applicants respectfully believe Claims 13-15, 17-19, and 21-23 to be independently patentable and request separate consideration of each claim.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

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